37 CFR 41.37/41.39(2) APPEAL BRIEF

Further to the decision on petition dated 1/12/2007 reviving his application, and in response to the office action mailed 3/20/2006 *reopening prosecution*, which was in response to the appeal brief filed 12/23/2005, which was in response to the office action dated 7/26/2005 *reopening prosecution*, which was in response to the supplemental appeal brief filed 5/16/2006, supplemental to the appeal brief filed 3/21/2005, which was in response to the office action mailed 10/21/2004 *reopening prosecution*, which was in response to the appeal brief filed 7/2/2004, which was in response to the office action mailed 6/6/2004, which was in response to the amendment filed 12/8/2003 adding new claims 50 and 51, which was in response to the decision on appeal mailed 10/27/2003, ***the appellant maintains the appeal***.

I.   **37 CFR 41.37(a)**

This brief is formatted as required in 37 CFR 41.37, since the office communication to which it responds is styled an office action, and contains different prior art rejections than the those addressed in the previous appeal briefs. However, the appellant questions the authority of the examiner to reopen prosecution three consecutive times after the appellant has appealed. In any case, the appellant has and continues to maintain the appeal originally filed 7/2/2004.

The fees for the notice of appeal and the brief are submitted herewith.

II.   **37 CFR 41.37(b)**

Not applicable.

III.   **37 CFR 41.37(c)(1)(i) - Real party in Interest**

The real party in interest is Catalina Marketing Corporation.

IV.   **37 CFR 41.37(c)(1)(ii) - Related Appeals and Interferences (prior and pending)**

Docket no: CAT/34-SCRO-CCP; application 09/505,632; BPAI appeal 2002-0329; decided 10/27/2003.

Docket no: CAT/34-SCRO-US; application 08/873,974; BPAI appeal 2004-1267; decided 7/29/2004; BPAI decision on reconsideration 9/30/2004.

Docket no: CAT/34-SCRO-US; application 08/873,974 CAFC docket No; 05-1164; remanded without decision.

Docket no: CAT/34-SCRO-US; application 08/873,974; BPAI appeal 2006-2100; awaiting decision.

V.   **37 CFR 41.37(c)(1)(iii) - Status of Claims**

Claims 1-23 canceled. Claims 44-47 canceled.

Claims 24-31, 36-43, and 48-51 rejected and appealed.

VI.   **37 CFR 41.37(c)(1)(iv) - Statement of Amendments**

The application status is non-final. However, no amendments have been filed since the amendment filed 12/8/2003 adding new claims 50 and 51, and prosecution has been reopened by the examiner since then. All amendments are therefore entered.

VII.   **37 CFR 41.37(c)(1)(v) - Summary of the Claimed Subject matter**

Claim 24 defines a computer network implemented method, comprising the steps of:

transmitting from a consumer computer over the Internet to a Web site of a manufacturer a request for manufacturer incentives to purchase one of a product and a service offered by said manufacturer (Fig. 1 item 10; page 8 lines 24-25; Fig. 2 items 2, 10, 30; page 9 lines 18-20; Fig. 1);

in response to said request for manufacturer incentives, transmitting region data from said Web site of said manufacturer over the Internet to a remote Web site (page 8 lines 25-29; Fig. 1);

in response to receipt of region data at said manufacturer's Web site, transmitting from said remote Web site to said Web site of said manufacturer at least one manufacturer incentive and at least one name and address of a retailer (page 8 lines 25-28; page 9 lines 20-26; Fig. 2 items 2, 14; 32, 36, 38; Fig. 1); and

transmitting from said Web site of said manufacturer over the Internet to said consumer computer said at least one manufacturer incentive and said at least one name and address (Fig. 2 items 16, 44, 46, 48; Fig. 1).

Claim 28 defines a computer network implemented method, comprising the steps of:

transmitting from a consumer computer over the Internet to a Web site of a retailer a request for manufacturer incentives to purchase one of a product and a service offered by a manufacturer (Figure 3 item 50; page 10 lines 4-7; Fig. 1);

in response to receipt of said request at said Web site of said retailer, transmitting said request from said Web site of said retailer over the Internet to a remote Web site (Figure 3 items 14, 52, 54; Fig. 1);

in response to receipt of said request at said remote site, transmitting from said remote site over the Internet to said Web site of said retailer a list of manufacturer incentives (page 10 lines 9-11; fig. 3 items 14, 18, 56; Fig. 1); and

in response to receipt of said manufacturers incentives at said Web site of said retailer, transmitting over the Internet to said consumer computer said list of manufacturers incentives (page 10 lines 13-16; Figure 3 items 18, 64, 66, 68; Fig. 1).

Claim 36 defines a computer network implemented system, comprising:

means for transmitting from a consumer computer over the Internet to a Web site of a manufacturer a request for manufacturer incentives to purchase one of a product and a service offered by said manufacturer (Fig. 1 item 10; page 8 lines 24-25; Fig. 2 items 2, 10, 30; page 9 lines 18-20; Fig. 1);

means for, in response to said request for manufacturer incentives, transmitting region data from said Web site of said manufacturer over the Internet to a remote Web site (page 8 lines 25-29; Fig. 1);

means for, in response to receipt of region data at said manufacturer's Web site, transmitting from said remote Web site to said Web site of said manufacturer at least one manufacturer incentive and at least one name and address of a retailer (page 8 lines 25-28; page 9 lines 20-26; Fig. 2 items 2, 14; 32, 36, 38; Fig. 1); and

means for transmitting from said Web site of said manufacturer over the Internet to said consumer computer said at least one manufacturer incentive and said at least one name and address (Fig. 2 items 16, 44, 46, 48; Fig. 1).

Claim 37 defines the system according to claim 36, wherein said means for transmitting from said remote site said list further comprises means for transmitting a link to a Web site of said retailer (page 10 lines 11-12; Fig. 3 items 58,60; Fig. 1).

Claim 38 defines the system according to claim 36, further comprising means for determining said at least one manufacturer's incentive and said at least one name and address of a retailer by querying, using said region data, a database from a server of said remote Web site (page 10 lines 7-11; Fig. 3 items 52, 54, 56, 58; Fig. 1).

Claim 39 defines the system according to claim 36, further comprising (page 10 lines 12-16; Fig. 3 items 62, 64, 66, 68; Fig. 1):

means for transmitting from said consumer computer to said Web site of said manufacturer selection data indicating selection of said at least one manufacturer incentive;

means for transmitting from said Web site of said manufacturer to said remote site said selection data;

means for transmitting from said remote site to said Web site of said manufacturer details

of the selected at least one manufacturer incentive; and

means for transmitting from said Web site of said manufacturer to said consumer computer said details.

Claim 40 defines a computer network implemented system, comprising:

means for transmitting from a consumer computer over the Internet to a Web site of a retailer a request for manufacturer incentives to purchase one of a product and a service offered by a manufacturer (Figure 3 item 50; page 10 lines 4-7; Fig. 1);

means for, in response to receipt of said request at said Web site of said retailer, transmitting said request from said Web site of said retailer over the Internet to a remote Web site (Figure 3 items 14, 52, 54; Fig. 1);

means for, in response to receipt of said request at said remote site, transmitting from said remote site over the Internet to said Web site of said retailer a list of manufacturer incentives (page 10 lines 9-11; fig. 3 items 14, 18, 56; Fig. 1); and

means for, in response to receipt of said manufacturers incentives at said Web site of said retailer, transmitting over the Internet to said consumer computer said list of manufacturers incentives (page 10 lines 13-16; Figure 3 items 18, 64, 66, 68; Fig. 1).

Claim 41 defines the system according to claim 40, further comprising: (page 3 lines 3-14; Fig. 1)

means for transmitting a user identification from said Web site of said retailer over the Internet to said remote Web site in association with said request; and

means for determining manufacturer's incentives to transmit from said remote Web site to said Web site of said retailer based upon said user identification.

Claim 42 defines the system according to claim 40, further comprising means for transmitting from the consumer computer over the Internet to the Web site of the retailer region data (page 9 lines 20-26; Fig. 1).

Claim 48 defines a computer program product for implementing on a network a method, comprising the steps of:

in response to receiving at a Web site of a manufacturer a request for manufacturer

incentives to purchase one of a product and a service offered by a manufacturer transmitted from a consumer computer over the Internet, transmitting region data from a Web site of said manufacturer over the Internet to a remote Web site (Fig. 1 item 10; page 8 lines 24-25; Fig. 2 items 2, 10, 30; page 9 lines 18-20; Fig. 1);

in response to receipt of region data at said manufacturer's Web site, transmitting from said remote Web site to said Web site of said manufacturer at least one manufacturer incentive and at least one name and address of a retailer (page 3 lines 3-14; Fig. 1); and

transmitting from said Web site of said manufacturer over the Internet to said consumer computer said at least one manufacturer incentive and said at least one name and address (page 10 lines 13-16; Figure 3 items 18, 64, 66, 68; Fig. 1).

Claim 49 defines a computer program product for performing a computer network implemented method, comprising the steps of:

in response to receipt of a request for manufacturer incentives to purchase one of a product and a service offered by a manufacturer transmitted from a consumer computer over the Internet to a Web site of a retailer, transmitting said request from said Web site of said retailer over the Internet to a remote Web site (Figure 3 item 50; page 10 lines 4-7; Fig. 1);

in response to receipt of said request at said remote site, transmitting from said remote site over the Internet to said Web site of said retailer a list of manufacturer incentives (page 10 lines 9-11; fig. 3 items 14, 18, 56; Fig. 1); and

in response to receipt of said manufacturers incentives at said Web site of said retailer, transmitting over the Internet to said consumer computer said list of manufacturers incentives (page 10 lines 13-16; Figure 3 items 18, 64, 66, 68; Fig. 1).

Claim 50 defines a computer implemented method comprising performing transactions involving multiple separate entities, including

transmission from a consumer to a retailer website (Figure 3 item 50; page 10 lines 4-7; Fig. 1),

transmission from the retailer website to a remote website (Figure 3 items 14, 52, 54; Fig. 1), and

transmission from the remote website to the retailer website, of a list of manufacturer incentives (page 10 lines 9-11; fig. 3 items 14, 18, 56; Fig. 1).

Claim 51 defines a system comprising structure for performing transactions involving multiple separate entities, including:

means for transmitting from a consumer to a retailer website (Figure 3 item 50; page 10 lines 4-7; Fig. 1),

means for transmitting from the retailer website to a remote website (Figure 3 items 14, 52, 54; Fig. 1), and

means for transmitting from the remote website to the retailer website, of a list of manufacturer incentives (page 10 lines 9-11; fig. 3 items 14, 18, 56; Fig. 1).

VIII.   37 CFR 41.37(c)(1)(vi) - Grounds of Rejection to be Reviewed

PRIOR ART APPLIED IN THE REJECTIONS

Jovicic is USP 5,855,007

Perkowski is USP 6,064,979

Smolen is USP 5,915,243

The following grounds of rejection should be reviewed: all rejections, which are identified as follows.

1.   Rejections of claims 24, 27-29, 36, 39, 40, 41, 48, and 49 under 35 USC 103 as obvious based upon Jovicic.

2.   Rejections claims 25, 26, 30, 37, 38, and 42 under 35 USC 103 as obvious based upon Jovicic and Perkowski.

3.   Rejections of claims 31 and 43 under 35 USC 103 as obvious based upon Jovicic, Perkowski, and Smolen.

4.   Rejections of claims 24-27, 36-39 and 48 under 35 USC 112.

5.   Rejections of claims 50 and 51 under the second paragraph of 35 USC 112.

6.   Rejections of claims 50 and 51 as anticipated by Jovicic.

IX.   37 CFR 41.37(c)(1)(vii) - Contentions of the Appellant

1.   Rejections of Claims 24, 27-29, 36, 39, 40, 41, 48, and 49 under 35 USC 103 as

Obvious Based Upon Jovicic

In item 8 in the office action, the examiner rejects claims 24, 27-29, 36, 39, 40, 41, 48, and 49 as obvious based upon Jovicic.

In reply, the appellant disagrees and traverses. These rejections fundamentally make no sense, and it is unclear to the undersigned how the examiner can justify imposing these rejections.

Jovicic discloses a network including user's computer 102, a coupon server 124, and a coupon notification center 134. See, for example, abstract and Fig. 1. Jovicic discloses that the user computer 102 selects and then receives from coupon server 124, coupons displayed to it by the coupon server 124. Jovicic column 3 lines 30-34. Jovicic discloses that coupon server 124 also provides notifivcations of those coupons to the coupon notification center 134. Jovicic column 3 lines 34-38. The coupon notification center can thereafter compare notifications of coupon redemption (including coupon data) against the copies in its generation database 136 to confirm validity of the coupon redemption data. See, for example, Jovicic column 3 lines 34-38.

Jovicic also discloses a coupon notification center that stores (1) notifications sent by the coupon server to the coupon notification center, of coupons transmitted by the coupon server to the user, and (2) notifications sent to the coupon notification center, of coupons redeemed at stores by the user. That is nothing like what is claimed in any of the pending claims. Jovicic fails to disclose the user, retailer or manufacturer, and remote server involved in the methods of the claimed inventions. Jovicic does not disclose either retailer or manufacturer web site relying upon a remote server to obtain data to respond to a user's coupon inquiry. Jovicic does not disclose the concept of a remote server using region data obtained from the user at a manufacturer web site, to provide back to from the manufacturer web site to the user that manufacturer's coupon offer and name and address of a retail store.

I now turn to the examiner's contentions. Claim 24, with the examiner's citations to Jovicic, appears below.

24. A computer network implemented method, comprising the steps of:

transmitting from a consumer computer over the Internet to a Web site of a manufacturer

a request for manufacturer incentives to purchase one of a product and a service offered by said manufacturer; (Jovicic col. 3 lines 47-50, Fig. 1, element 122)

in response to said request for manufacturer incentives, transmitting region data from said Web site of said manufacturer over the Internet to a remote Web site; (Jovicic col. 9 line 65 - col. 10 line 17, citing the user's input of demographic and location information)

in response to receipt of region data at said manufacturer's Web site, transmitting from said remote Web site to said Web site of said manufacturer at least one manufacturer incentive and at least one name and address of a retailer; and (Jovicic col. 10 line 46 - col. 11 line 3, citing the coupon server copying information to the coupon notification center)

transmitting from said Web site of said manufacturer over the Internet to said consumer computer said at least one manufacturer incentive and said at least one name and address. (Jovicic column 11 lines 8-12, citing information stored in the coupon generation database being accessible to the user.)

As to the recitation "transmitting from a consumer computer over the Internet to a Web site of a manufacturer a request for manufacturer incentives to purchase one of a product and a service offered by said manufacturer;" Jovicic col. 3 lines 47-50, Fig. 1, element 122, do not disclose this step. In fact, the examiner admits that Jovicic does not disclose this step. See office action page 6 lines 13-14, which states that "Jovicic et al does not specifically disclose that the request goes to the Web site of the manufacturer ...."

Now turn to Jovicic. See Figure 1. Element 102 is the user's PC. Element 122 is the Internet. Element 124 is the coupon server. Element 134 is the Internet Coupon Notification Center, ICNC 134. Interent 122 is between the user's PC (internet node 102) and the coupon server (Internet coupon server 124). What Jovicic col. 3 lines 47-50, Fig. 1, element 122 disclose is that the coupon server responds to a user's request for coupons by sending the user coupons, and then also sends a notification of the sending of the coupon to the user, to the coupon notification center 134. Thus, coupon notification center 134. is not involved in, and provides no coupon data, to coupon server 122.

Even discounting the distinguishing nature of the claimed "Web site of the manufacturer"

compared to Jovicic's coupon server 124, Jovicic does not disclose that the coupons served by its coupon server are coupons by the entity owning the coupon server. In contrast, the subject claim recitation defines that the user requests from the *manufacturer's web site* are coupons for a "product and a service offered by *said* manufacturer". Jovicic does not disclose that its coupon server is a web site of an entity that manufactures the products and services that are the subjectt of its coupons. Thus, Jovicic's coupon server does not disclose or suggest the first clause in claim 24.

As to the recitation "in response to said request for manufacturer incentives, transmitting region data from said Web site of said manufacturer over the Internet to a remote Web site;" Jovicic col. 9 line 65 - col. 10 line 17, do not disclose this step. Jovicic col. 9 line 65 - col. 10 line 17 only describe the user providing information to the coupon server 124. There is nothing in that passage about the coupon server interacting with anything else; certainly *nothing about transmission of region data to a remote Web site in response to a request to the manufacturer web site for incentives.*

For sake of completeness, I note that Jovicic does disclose that the coupon server notifies the coupon notification center of each coupon it provides to the user. See for example Jovicic col.3 lines 34-38; col. 3 line 60 - col. 4 line 3; and col. 4 lines 39-41; col. and 10 lines 58-60. However, Jovicic does not disclose or suggest that that notification contains region data, as is claimed.

As to the recitation, "in response to receipt of region data at said manufacturer's Web site, transmitting from said remote Web site to said Web site of said manufacturer at least one manufacturer incentive and at least one name and address of a retailer;" Jovicic col. 10 line 46 - col. 11 line 3 do not disclose this step. Jovicic col. 10 line 46 - col. 11 line 3 only discloses the internet coupon notification center 134 receiving and storing notifications for newly issued coupons and redeemed coupons. Nothing else. Certainly nothing relating to transmission *from* notification center 134 of "at least one manufacturer incentive and at least one name and address of a retailer" and certainly nothing relating to transmission to "said Web site of said manufacturer" or even to Jovicic's coupon server 124. Jovicic does not disclose or suggest a

response at a remote site to receipt of region data.

The examiner's analysis cites the fact that the coupon server can communicate with the Coupon Notification Center 134 to justify corresponding the Coupon Notification Center 134 to the claimed remote server. However, Jovicic contains nothing suggesting the claimed steps of transmitting region data to the Coupon Notification Center 134, and Jovicic contains nothing suggesting use of region data for any purpose, and certainly not by the Coupon Notification Center 134 for the purpose of providing information to include in a coupon offering back to the manufacturer's web site . Thus, there is nothing in Jovicic relating to the subject matter defined by claim 24.

The examiner relies upon the same reasoning to reject independent claims 36, 48, and 49. These rejections should be reversed for the same reasons applicable to claim 24.

Claim 28 reads as follows:

28.   A computer network implemented method, comprising the steps of:

transmitting from a consumer computer over the Internet to a Web site of a retailer a request for manufacturer incentives to purchase one of a product and a service offered by a manufacturer;

in response to receipt of said request at said Web site of said retailer, transmitting said request from said Web site of said retailer over the Internet to a remote Web site;

in response to receipt of said request at said remote site, transmitting from said remote site over the Internet to said Web site of said retailer a list of manufacturer incentives; and

in response to receipt of said manufacturers incentives at said Web site of said retailer, transmitting over the Internet to said consumer computer said list of manufacturers incentives.

Claim 28 lacks the request for region data limitations of claim 24. However, it includes the distinguishing limitations similar to those in claim 24 of the request being sent to a "Web site of said retailer"; "in response to" that request to the retailer, transmitting the request to the "remote Web site"; and "in response to" receipt at the remote site, transmitting incentives to the consumer computer. Thus, for same reasons applicable to claim 24 for these recitations, Jovicic does not disclose or suggest the subject matter defined by claim 28.

The examiner relies upon the same reasoning to reject independent claim 40. This rejection should be reversed for the same reasons applicable to claim 28.

Given the foregoing, there is no reasonable basis for imposing these rejections, and they certainly do not make a prima facie of obviousness of any claim. The rejections in item 8 in the office action are therefore improper and should be reversed.

2. **Rejections claims 25, 26, 30, 37, 38, and 42 under 35 USC 103 as obvious based upon Jovicic and Perkowski**

In item 9 in the office action, the examiner rejects claims 25, 26, 30, 37, 38, and 42 under 35 USC 103 as obvious based upon Jovicic and Perkowski. However, the examiner relies upon Jovicic for disclosing the limitations of the independent claims, as noted above, and only applies Perkowski to suggest modification of Jovicic to include limitations appearing in these dependent claims. For claims 25 and 37, the examiner asserts Perkowski discloses transmitting a link; for claims 26, 30, 38, and 42, and the examiner asserts Perkowski discloses utilizing demographic data as location data. These assertions are irrelevant because Jovicic does not disclose or suggest what the independent claims from which these dependent claims depend, define.

3. **Rejections of Claims 31 and 43 under 35 USC 103 in as Obvious Based upon Jovicic, Perkowski, and Smolen**

In item 10 in the office action, the examiner rejects claims 31 and 43 under 35 USC 103 in as obvious based upon Jovicic, Perkowski, and Smolen, citing Smolen for disclosing postal data. The examiner relies upon Jovicic for disclosing the limitations of the independent claims, and only applies Perkowski and Smolen to suggest modification of Jovicic to include limitations appearing in these dependent claims; the postal data limitations. These assertions are irrelevant because Jovicic does not disclose or suggest what the independent claims from which these dependent claims depend, define.

4. **Rejections of Claims 24-27, 36-39 and 48 under 35 USC 112**

In item 2 in the office action, the examiner objects to certain claims, stating that:

Claims 24-27, 36-39 and 48 are objected to because of the following informalities: As per independent claims 24, 36 and 48, these claims recite

"transmitting region data from said web site of said manufacturer over the Internet to a remote Web site", and then "in response to receipt of region data at said manufacturer's Web site". This claim language is confusing since the region data is primarily transmitted to a remote site in the first limitation, and then is received at a manufacturer's Web site in the second limitation. Instead, the claim language should read "in response to receipt of region data at said remote Web site". Appropriate correction is required.

This objection is based upon an assumption that these claims are indefinite, an implied rejection under 35 USC 112. The appellant respectfully disagrees, and traverses the requirement an implied rejection.

Please see page 9 lines 20-25 of the specification which indicate that generally every time the manufacturer's web site receives region data, the remote site (for example SMO server site 14 as disclosed in the example) responds by "transmitting from said remote Web site to said Web site of said manufacturer at least one manufacturer incentive and at least one name and address of a retailer". Therefore, the claim recitation is supported by the specification. Moreover, amending as the examiner suggests does not accurately define the applicants invention. Therefore, these objections/rejections are improper.

5.   **Rejections of Claims 50 and 51 under the Second Paragraph of 35 USC 112**

In item 4 in the office action, the examiner rejects claims 50 and 51 under the second paragraph of 35 USC 112, stating that:

Claims 50 and 51 recite the limitation "transmission from a consumer to a retailer website", "transmission from the retailer website to a remote website" in claim 50 and "means for transmitting from a consumer to a retailer website", "means for transmitting from the retailer website to a remote website", in claim 51. There is insufficient antecedent basis for this limitation in the claim.

In response, the appellant traverses.

First, the claims are clear on their face, and the examiner has not identified what specific recitation allegedly lacks antecedent basis.

Second, there is almost ipsus verbis antecedent basis support for the subject claim recitations in the specification, and the subject claim recitations are clearly supported by the specification's recitations. See page 3 lines 23-26 and page11 lines 1-4. Page 3 lines 23-26 of the specification states that:

The next steps of the method are receiving offer selection data from the consumer through the manufacturer network site, and either transmitting details of the selected offers to the manufacturer network site for use by the consumer, or linking the consumer directly to a selected retailer network site to view the available offers.

Page 11 lines 1-4 of the specification states that:

FIG. 5 shows how manufacturers input update data to the manufacturer offer database 16. In one approach, the manufacturer supplies the data on input forms 90, which are entered at the SMO site 14, as indicated at 92, and transmitted to the databases 16 and 20 by means of an update program 94 executed at the SMO site.

These two recitations clearly disclose that there is a transmission (and a means for transmission) from the retailer website to a remote website; and a transmission (and a means for transmission) from the retailer website to a remote website. Moreover, there is sufficient indication as to what is being transmitted, namely, details of the selected offers, as well as data that is input by manufacturers and used to update the manufacturer offer database.

Third, claims 50 and 51 mirror the wording in the Board of Patent Appeals and Interferences' (panel's) description of the independent claimed inventions. In the decision on appeal mailed October 27, 2003, the panel stated that:

With regard to the rejections under 35 U.S.C. 103, we will not sustain these rejections because each of the independent claims 24, 36, 48, and 49 includes limitations similar to those in claims 28 and 40, i.e., transactions involving multiple separate entities, wherein there is transmission from the a consumer to a retailer website, transmission from the retailer website to a remote website, and transmission from the remote website to the retailer website, of a list

of manufacturer incentives. Finally, the retailer web site transmits to the

consumer a list of these incentives. [Decision on appeal page 9 lines 3-10.]

Claims 50 and 51 are essentially identical in scope to the panel's description of appellant's

claimed invention, and clearly the panel knew what they were defining. That is objective

evidence that claims 50 and 51 are not indefinite.

6.   **Rejections of Claims 50 and 51 as Anticipated by Jovicic**

In item 6 in the office action, the examiner rejects claims 50 and 51 as anticipated based

upon Jovicic, as follows, with the examiner's citations in parenthesis.

50.   A computer implemented method comprising performing transactions involving

multiple separate entities, including (no citation to Jovicic)

transmission from a consumer to a retailer website, (Jovicic col. 3 lines 47-50)

transmission from the retailer website to a remote website, and (Jovicic col. 3 lines 5-67

transmission from the remote website to the retailer website, of a list of manufacturer

incentives. (Jovicic Col. 4 lines 47-53)

As to claim 50's "transmission from a consumer to a retailer website," Jovicic col. 3 lines

47-50 disclose transmitting date from the consumer to a coupon server, not a retailer web site.

As to claim 50's "transmission from the retailer website to a remote website," Jovicic col.

3 lines 5-67 do not disclose that the coupon server 124 is a retailer web site.

The examiner has not shown that Jovicic discloses that its coupon server is a retailer web

site. Therefore, the 102 rejection of claim 50 is improper and should be reversed.

The 102 rejection of claim 51 is based upon the same reasoning as for claim 50. Claim

51 is a means plus function analog of claim 50. The 102 rejection of claim 51 is improper for the

same reasons applicable to claim 50.

X.   **37 CFR 41.37(c)(1)(viii) - Claims Appendix**

1-23.   (Canceled).

24.   (Previously Presented)   A computer network implemented method,

comprising the steps of:

transmitting from a consumer computer over the Internet to a Web site of a manufacturer

a request for manufacturer incentives to purchase one of a product and a service offered by said manufacturer;

in response to said request for manufacturer incentives, transmitting region data from said Web site of said manufacturer over the Internet to a remote Web site;

in response to receipt of region data at said manufacturer's Web site, transmitting from said remote Web site to said Web site of said manufacturer at least one manufacturer incentive and at least one name and address of a retailer; and

transmitting from said Web site of said manufacturer over the Internet to said consumer computer said at least one manufacturer incentive and said at least one name and address.

25.   (Previously Presented)   The method according to claim 24, wherein said step of transmitting from said remote site further comprises transmitting a link to a Web site of said retailer.

26.   (Previously Presented)   The method according to claim 24, further comprising the step of determining said at least one manufacturer's incentive and said at least one name and address of a retailer by querying, using said region data, a database from a server of said remote Web site.

27.   (Previously Presented)   The method according to claim 24, further comprising the steps of:

transmitting from said consumer computer to said Web site of said manufacturer selection data indicating selection of said at least one manufacturer incentive;

transmitting from said Web site of said manufacturer to said remote site said selection data;

transmitting from said remote site to said Web site of said manufacturer details of the selected at least one manufacturer incentive; and

transmitting from said Web site of said manufacturer to said consumer computer said details.

28.   (Previously Presented)   A computer network implemented method, comprising the steps of:

18

transmitting from a consumer computer over the Internet to a Web site of a retailer a request for manufacturer incentives to purchase one of a product and a service offered by a manufacturer;

in response to receipt of said request at said Web site of said retailer, transmitting said request from said Web site of said retailer over the Internet to a remote Web site;

in response to receipt of said request at said remote site, transmitting from said remote site over the Internet to said Web site of said retailer a list of manufacturer incentives; and

in response to receipt of said manufacturers incentives at said Web site of said retailer, transmitting over the Internet to said consumer computer said list of manufacturers incentives.

29.   (Previously Presented)   The method according to claim 28, further comprising the steps of:

transmitting a user identification from said Web site of said retailer over the Internet to said remote Web site in association with said request; and

determining manufacturer's incentives to transmit from said remote Web site to said Web site of said retailer based upon said user identification.

30.   (Previously Presented)   The method according to claim 28, further comprising the step of transmitting from the consumer computer over the Internet to the Web site of the retailer region data.

31.   (Previously Presented)   The method according to claim 30, wherein said region data is postal code data.

32-35. (Canceled)

36.   (Previously Presented)   A computer network implemented system, comprising:

means for transmitting from a consumer computer over the Internet to a Web site of a manufacturer a request for manufacturer incentives to purchase one of a product and a service offered by said manufacturer;

means for, in response to said request for manufacturer incentives, transmitting region data from said Web site of said manufacturer over the Internet to a remote Web site;

means for, in response to receipt of region data at said manufacturer's Web site, transmitting from said remote Web site to said Web site of said manufacturer at least one manufacturer incentive and at least one name and address of a retailer; and

means for transmitting from said Web site of said manufacturer over the Internet to said consumer computer said at least one manufacturer incentive and said at least one name and address.

37.   (Previously Presented)   The system according to claim 36, wherein said means for transmitting from said remote site said list further comprises means for transmitting a link to a Web site of said retailer.

38.   (Previously Presented)   The system according to claim 36, further comprising means for determining said at least one manufacturer's incentive and said at least one name and address of a retailer by querying, using said region data, a database from a server of said remote Web site.

39.   (Previously Presented)   The system according to claim 36, further comprising:

means for transmitting from said consumer computer to said Web site of said manufacturer selection data indicating selection of said at least one manufacturer incentive;

means for transmitting from said Web site of said manufacturer to said remote site said selection data;

means for transmitting from said remote site to said Web site of said manufacturer details of the selected at least one manufacturer incentive; and

means for transmitting from said Web site of said manufacturer to said consumer computer said details.

40.   (Previously Presented)   A computer network implemented system, comprising:

means for transmitting from a consumer computer over the Internet to a Web site of a retailer a request for manufacturer incentives to purchase one of a product and a service offered by a manufacturer;

20

means for, in response to receipt of said request at said Web site of said retailer, transmitting said request from said Web site of said retailer over the Internet to a remote Web site;

means for, in response to receipt of said request at said remote site, transmitting from said remote site over the Internet to said Web site of said retailer a list of manufacturer incentives; and

means for, in response to receipt of said manufacturers incentives at said Web site of said retailer, transmitting over the Internet to said consumer computer said list of manufacturers incentives.

41.   (Previously Presented)   The system according to claim 40, further comprising:

means for transmitting a user identification from said Web site of said retailer over the Internet to said remote Web site in association with said request; and

means for determining manufacturer's incentives to transmit from said remote Web site to said Web site of said retailer based upon said user identification.

42.   (Previously Presented)   The system according to claim 40, further comprising means for transmitting from the consumer computer over the Internet to the Web site of the retailer region data.

43.   (Previously Presented)   The system according to claim 42, wherein said region data is postal code data.

44-47. (Canceled)

48.   (Previously Presented)   A computer program product for implementing on a network a method, comprising the steps of:

in response to receiving at a Web site of a manufacturer a request for manufacturer incentives to purchase one of a product and a service offered by a manufacturer transmitted from a consumer computer over the Internet, transmitting region data from a Web site of said manufacturer over the Internet to a remote Web site;

in response to receipt of region data at said manufacturer's Web site, transmitting from said remote Web site to said Web site of said manufacturer at least one manufacturer incentive

and at least one name and address of a retailer; and

transmitting from said Web site of said manufacturer over the Internet to said consumer computer said at least one manufacturer incentive and said at least one name and address.

49. (Previously Presented) A computer program product for performing a computer network implemented method, comprising the steps of:

in response to receipt of a request for manufacturer incentives to purchase one of a product and a service offered by a manufacturer transmitted from a consumer computer over the Internet to a Web site of a retailer, transmitting said request from said Web site of said retailer over the Internet to a remote Web site;

in response to receipt of said request at said remote site, transmitting from said remote site over the Internet to said Web site of said retailer a list of manufacturer incentives; and

in response to receipt of said manufacturers incentives at said Web site of said retailer, transmitting over the Internet to said consumer computer said list of manufacturers incentives.

50. (Previously Presented) A computer implemented method comprising performing transactions involving multiple separate entities, including:

transmission from a consumer to a retailer website,

transmission from the retailer website to a remote website, and

transmission from the remote website to the retailer website, of a list of manufacturer incentives.

51. (Previously Presented) A system comprising structure for performing transactions involving multiple separate entities, including:

means for transmitting from a consumer to a retailer website,

means for transmitting from the retailer website to a remote website, and

means for transmitting from the remote website to the retailer website, of a list of manufacturer incentives.

IX.   **37 CFR 41.37(c)(1)(ix) - Evidence Appendix**

No evidence is submitted.

XII.   37 CFR 41.37(c)(1)(x) - Related Proceedings Appendix

Copies of the following decisions are appended to the brief.

Attachment 1 - BPAI decision in Docket no: CAT/34-SCRO-CCP; application 09/505,632; BPAI appeal 2002-0329; decided 10/27/2003.

Attachment 2 - Decision in Docket no: CAT/34-SCRO-US; application 08/873,974; BPAI appeal 2004-1267; decided 7/29/2004; and BPAI decision on reconsideration 9/30/2004.

No decision was rendered in CAFC appeal: Docket no: CAT/34-SCRO-US; application 08/873,974 CAFC docket No; 05-1164; remanded without decision.

No decision has been rendered in: Docket no: CAT/34-SCRO-US; application 08/873,974; BPAI appeal 2006-2100; awaiting decision.

Respectfully submitted

1/26/2007   /RichardNeifeld#35,299/

Date   Richard Neifeld, Registration No. 35,299

Attorney of Record